

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

Bill No. 11-62 (As Amended)

Introduced by: Council Members Lisanti, Woods and Shrodes

Legislative Day No. 11-28 Date: December 13, 2011

1 AN EMERGENCY ACT to add the definition of solid waste transfer station to Section 109-1, Definitions,
2 to repeal and reenact, with amendments, the definition of solid waste, of Section 109-1, Definitions, all of
3 Article I, General Provisions, of Chapter 109, Environmental Control; to add new Section 109-8.5, Landfill,
4 Solid Waste Transfer Station or Other Solid Waste Processing Facility, to Article I, General Provisions, of
5 Chapter 109, Environmental Control; to repeal and reenact, with amendments, Section 267-91, Solid waste
6 transfer stations, of Article X, Landfills, of Part 1, Standards of Chapter 267, Zoning; to repeal and reenact,
7 with amendments, Section 267-92, Other County solid waste processing facilities, of Article X, Landfills, of
8 Part 1, Standards of Chapter 267, Zoning, all of the Harford County Code, as amended; to define a certain
9 term certain terms; to require certain facilities to conduct a community meeting prior to inclusion in the
0 solid waste management plan; to require certain information to be disclosed at the community meeting; to
1 establish certain buffer requirements for certain solid waste facilities; to establish certain lighting and
2 outside storage requirements for certain solid waste facilities; to make this an Emergency Act; and generally
3 relating to the operation of solid waste facilities.

By the Council, December 13, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: January 10, 2012

at: 7:00 PM

By order: Ramona M. Masi, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the
Charter, a public hearing was held on January 10, 2012, and concluded on January 10, 2012.

Ramona M. Masi, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[BRACKETS] indicate matter Deleted from existing law.
Underlining indicates Language added to bill by amendment.
Language Lined through indicates matter stricken out of Bill By amendment.

Bill No. 11-62
As Amended

1 Section 1. Be It Enacted by the County Council of Harford County, Maryland, That new
2 definition of solid waste transfer station, be, and it is hereby, added to Section 109-1,
3 Definitions, of Article I, General Provisions, of Chapter 109, Environmental Control; and that
4 new Section 109-8.5, Landfill, Solid Waste Transfer Station or Other Solid Waste Processing
5 Facility, be, and it is hereby, added to Article I, General Provisions, of Chapter 109,
6 Environmental Control, that Section 267-91, Solid waste transfer stations, of Article X,
7 Landfills, of Part 1, Standards, of Chapter 267, Zoning, be, and it is hereby, repealed and
8 reenacted, with amendments, and that Section 267-92. Other County solid waste processing
9 facilities, of Article X, Landfills, of Part 1, Standards, of Chapter 267, Zoning, be, and it is
10 hereby, repealed and reenacted, with amendments, all of the Harford County Code , as
11 amended, all to read as follows:

12 Chapter 109. Environmental Control.

13 Article I. General Provisions.

14 Section 109-1. Definitions.

15 For the purposes of this chapter, the following words and phrases shall have the meanings respectively
16 ascribed to them by this section:

17 Solid Waste

18 Solid waste as that term is defined in [Section 26.13.01.01] TITLE 26, SUBTITLE 13 of the Code
19 of Maryland Regulations.

20 **SOLID WASTE TRANSFER STATION**

21 **SOLID WASTE TRANSFER STATION SHALL BE AS DEFINED IN SECTION 267-4.**

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As Amended

1 SECTION 109-8.5. LANDFILL, SOLID WASTE TRANSFER STATION OR OTHER SOLID
2 WASTE PROCESSING FACILITY.

3 A. PRIOR TO SUBMISSION FOR INCLUSION OF A LANDFILL, SOLID WASTE
4 TRANSFER STATION OR OTHER SOLID WASTE PROCESSING FACILITY INTO THE
5 SOLID WASTE MANAGEMENT PLAN, A COMMUNITY MEETING SHALL BE HELD.

6 B. THE COMMUNITY MEETING SHALL BE HELD NEAR THE SITE OF THE PROPOSED
7 FACILITY, PREFERABLY IN A PUBLIC OR INSTITUTIONAL BUILDING WITH
8 ADEQUATE PARKING. THE MEETING SHALL BE SCHEDULED TO START
9 BETWEEN 6:00 P.M. AND 8:00 P.M. ON A WEEKDAY EVENING, OR SCHEDULED
10 BETWEEN 9:00 A.M. AND 5:00 P.M. ON A SATURDAY, EXCLUDING ALL STATE
11 AND COUNTY HOLIDAYS.

12 C. AT LEAST TWO WEEKS PRIOR TO THE COMMUNITY MEETING, THE
13 OWNER/OPERATOR OF THE PROPOSED FACILITY SHALL ENSURE THAT NOTICE
14 OF THE DATE, TIME AND LOCATION OF THE COMMUNITY MEETING, AS WELL
15 AS INFORMATION REQUIRED UNDER SUBSECTION J OF THIS SECTION HAS
16 BEEN PROVIDED TO THE FOLLOWING:

17 (1) ALL ~~ADJOINING~~ PROPERTY OWNERS WITHIN ONE-QUARTER MILE OF THE
18 PROPOSED FACILITY AS IDENTIFIED IN THE RECORDS OF THE STATE
19 DEPARTMENT OF ASSESSMENT AND TAXATION, BY FIRST CLASS MAIL;

20 (2) THE DEPARTMENT OF PUBLIC WORKS, WHICH WILL POST THE MEETING
21 NOTICE ON THE COUNTY WEBSITE; AND

1 (3) THE COUNTY COUNCIL.

2 D. AT LEAST TWO WEEKS PRIOR TO THE COMMUNITY MEETING, THE
3 OWNER/OPERATOR SHALL ENSURE THAT THE PROPERTY THAT IS THE
4 SUBJECT OF THE PROPOSED FACILITY IS POSTED WITH A NOTICE, OBTAINED
5 FROM THE DEPARTMENT OF PUBLIC WORKS, STATING THE DATE, TIME AND
6 LOCATION OF THE COMMUNITY MEETING. THE NOTICE SHALL BRIEFLY
7 DESCRIBE THE PROPOSED FACILITY AND INCLUDE THE COUNTY WEBSITE
8 ADDRESS. THE NOTICE SHALL BE ON A SIGN MEASURING AT LEAST 22 INCHES
9 BY 28 INCHES. THE NOTICE SHALL BE CONSPICUOUSLY PLACED ON THE
10 PROPERTY, NEAR THE RIGHT-OF-WAY LINE OF EACH PUBLIC ROAD THAT THE
11 PROPERTY HAS FRONTAGE ON, AT SUCH LOCATION THAT THE NOTICE SHALL
12 BE VISIBLE, IF POSSIBLE, FROM EACH PUBLIC ROAD ON WHICH THE PROPERTY
13 FRONTS. FOLLOWING THE POSTING, THE OWNER /OPERATOR SHALL USE
14 REASONABLE EFFORTS TO MAINTAIN THE NOTICE IN A CONDITION VISIBLE TO
15 THE PUBLIC UNTIL THE DATE OF THE COMMUNITY MEETING.

16 E. AT LEAST TWO WEEKS PRIOR TO THE COMMUNITY MEETING, THE
17 OWNER/OPERATOR SHALL ENSURE THAT NOTICE OF THE COMMUNITY
18 MEETING IS PUBLISHED ONCE A WEEK FOR TWO CONSECUTIVE WEEKS, IN AT
19 LEAST TWO NEWSPAPERS GENERALLY CIRCULATED IN HARFORD COUNTY.

20 F. THE PURPOSE OF THE COMMUNITY MEETING IS FOR THE OWNER/OPERATOR TO
21 PROVIDE INFORMATION TO THE COMMUNITY REGARDING THE PROPOSED

FACILITY AND TO ALLOW CITIZENS TO ASK QUESTIONS AND TO MAKE
COMMENTS AND SUGGESTIONS.

G. AT THE COMMUNITY MEETING, THE OWNER/OPERATOR SHALL PRESENT
DRAFT PLANS FOR THE SITE LAYOUT WHICH INCLUDES THE INFORMATION
REQUIRED UNDER SUBSECTION J OF THIS SECTION.

H. THE OWNER/OPERATOR SHALL ENSURE THAT A CERTIFICATION OF MAILED
MEETING NOTICES AND A CERTIFICATION OF THE NEWSPAPER
ADVERTISEMENTS ARE INCLUDED WITH THE SUBMISSION OF THE
APPLICATION FOR INCLUSION IN THE SOLID WASTE MANAGEMENT PLAN.

I. WITHIN 45 CALENDAR DAYS OF THE COMMUNITY MEETING, THE
OWNER/OPERATOR SHALL SUBMIT A SUMMARY OF THE COMMENTS MADE BY
CITIZENS AT THE COMMUNITY MEETING TO THE DEPARTMENT.

J. AT THE COMMUNITY MEETING THE OWNER/ OPERATOR SHALL PROVIDE THE
FOLLOWING INFORMATION ABOUT THE PROPOSED FACILITY:

(1) INFORMATION SHOWING THAT THERE IS A DEMONSTRATED NEED FOR THE
FACILITY IN THE COUNTY;

(2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER/OPERATOR;

(3) A MAP SHOWING THE CURRENT ZONING CLASSIFICATION OF ALL LAND
WITHIN ONE MILE OF THE PARCEL;

(4) COLOR-CODED MAPS SHOWING:

(A) ALL RESIDENTIAL, INSTITUTIONAL, INDUSTRIAL, AND AGRICULTURAL
BUILDINGS AND IMPROVEMENTS WITHIN ONE MILE OF THE PARCEL; AND

(B) THE APPROXIMATE LOCATION OF ALL PROPOSED RESIDENTIAL,
INSTITUTIONAL, AND INDUSTRIAL BUILDINGS AND IMPROVEMENTS THAT
ARE:

(i) PART OF A CONCEPT PLAN, PRELIMINARY PLAN, OR SITE PLAN
CURRENTLY APPROVED BY THE DIRECTOR OF PLANNING AND
ZONING AND LOCATED WITHIN ONE MILE OF THE PARCEL.

(5) A CONTOUR MAP ON A SCALE SPECIFIED BY THE DEPARTMENT WHICH
SHOWS:

(A) THE ELEVATION OF ALL LAND WITHIN ONE MILE OF THE PARCEL; AND

(B) IN A DIFFERENT COLOR, THE PROPOSED FINAL ELEVATIONS OF THE
FACILITY;

(6) REPRODUCTIONS OF THE APPROPRIATE ~~TAX~~ MAPS THAT:

(A) SHOW ALL PARCELS AND LOTS WITHIN ONE MILE OF THE PARCEL;

(B) INDICATE BY MEANS OF COLOR-CODING:

(i) ALL PUBLIC WATER LINES;

(ii) ALL PARCELS THAT RECEIVE PUBLIC WATER;

(iii) ALL IMPROVED PARCELS THAT DO NOT RECEIVE PUBLIC WATER; AND

(iv) ALL UNIMPROVED PARCELS;

(7) A DESCRIPTION OF ANY NATURAL SCREENING AND BUFFER ON THE SITE
AND THE OWNER'S/OPERATOR'S PROPOSED SCREENING AND BUFFER PLAN;

(8) ANY INFORMATION ON ROADS AND TRAFFIC IN THE AREA OF THE SITE,
INCLUDING BUT NOT LIMITED TO FUNCTIONAL CLASSIFICATION OF
SURROUNDING ~~INTERSECTIONS~~ ROADWAYS AND EXISTING AVERAGE DAILY
TRAFFIC (ADT) ON ROADS SURROUNDING THE PROPOSED SITE ;

~~(9) A DESCRIPTION OF THE PROPOSED PROCEDURES TO BE USED TO PREVENT
THE TRACKING OF MUD, DIRT, SOIL, AND THE MIGRATION OF BLOWN LITTER
OFF OF THE SITE FROM ACCUMULATING ON THE SITE ACCESS AND PUBLIC
ROADS.~~

(9) A DESCRIPTION OF THE PROPOSED PLAN TO BE USED FOR PREVENTING THE
ESCAPE OF DUST AND SOLID WASTE FROM THE SITE;

(10) A DESCRIPTION OF THE PROPOSED PROCEDURES TO BE USED TO PREVENT
DIRT, SOIL AND SOLID WASTE FROM THE SITE FROM ACCUMULATING ON THE
ROADS USED FOR INGRESS TO AND EGRESS FROM THE SITE;

~~(10)~~ (11) A LIST OF THE PROPOSED HOURS OF OPERATION AND A DESCRIPTION
OF THE PROPOSED SITE DESIGN AND OPERATING PROCEDURES TO BE USED
TO ENSURE THAT TRAFFIC TO THE SITE DOES NOT ACCUMULATE OFF-
PREMISES BEFORE, DURING, AND AFTER THE HOURS OF OPERATION;

~~(44)~~ (12) A DESCRIPTION OF THE PROPOSED SECURITY MEASURES TO BE USED
TO PREVENT UNAUTHORIZED ENTRY INTO THE SITE AFTER NORMAL
OPERATING HOURS;

~~(42)~~ (13) A DESCRIPTION OF THE PROPOSED CHECKING AND OPERATING
PROCEDURES TO BE USED TO ENSURE THAT PROHIBITED MATERIAL IS NOT
DEPOSITED AT THE SITE;

~~(43)~~ (14) A LIST OF EACH STATE AND LOCAL PERMIT THE OWNER/OPERATOR
MUST OBTAIN BEFORE COMMENCING OPERATION OF THE SOLID WASTE
FACILITY;

~~(44)~~ (15) A DESCRIPTION OF THE PROPOSED PLAN FOR CONTROLLING ODORS
AND NOISE.

~~(45)~~ (16) AN ESTIMATE OF THE DAILY TONS OF SOLID WASTE TO BE RECEIVED
AND AN ESTIMATE OF THE NUMBER OF TRUCKS TO THE SITE ON A DAILY
BASIS; AND

~~(46)~~ (17) A DETAILED PLAN SHOWING THE DIMENSIONS OF THE FACILITY AND
ANY USES TO BE CONDUCTED OUTSIDE AN ENCLOSED FACILITY AND THEIR
LOCATIONS ON THE SITE.

Chapter 267. Zoning.

Part 1. Standards.

Article X. Landfills.

Section 267-91. Solid waste transfer stations.

This use may be granted in the AG, B3, CI and GI Districts, provided that:

A. The site must be included in the most recently adopted Harford County solid waste management plan. The site must be at least 3 acres in the AG District and at least 1 acre in the B3, CI or GI District.

B. A 150 FOOT BUFFER [Type "E" buffer, pursuant to § 267-30 (Buffer yards),] shall be provided next to any adjacent residential lot and along any public road. ANCILLARY USES MAY BE ALLOWED WITHIN THE BUFFER INCLUDING ACCESS ROAD ROADS; STORMWATER MANAGEMENT; UTILITIES; WETLAND MITIGATION AND REFORESTATION; SITE SECURITY MEASURES; AND ~~LANDSCAPED SCREENING.~~ LANDSCAPING.

C. LIGHTING SHALL BE DESIGNED AND CONTROLLED SO THAT ANY LIGHT SHALL BE SHADED, SHIELDED OR DIRECTED SO THAT THE LIGHT INTENSITY OR BRIGHTNESS DOES NOT ADVERSELY AFFECT THE OPERATION OF VEHICLES OR REFLECT INTO RESIDENTIAL LOTS OR BUILDINGS.

D. OUTSIDE STORAGE OF MATERIALS OR EQUIPMENT SHALL BE ~~FULLY SCREENED~~ COMPLETELY BUFFERED FROM VIEW OF ADJOINING RESIDENTIAL PROPERTIES AND PUBLIC ROADS.

E. TO THE EXTENT POSSIBLE, ALL BUILDINGS ON THE SITE SHALL BE LOCATED AND CONFIGURED IN A MANNER TO MAXIMIZE THE DISTANCE BETWEEN THE BUILDINGS AND ADJACENT RESIDENTIAL LOTS.

F. FENCING SHALL BE ERECTED AND MAINTAINED AROUND THE FACILITY.

Section 267-92. Other County solid waste processing facilities.

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These uses only include County operations associated with the collection of yard waste and recyclable materials. These uses may be granted in the AG, RR, R1, R2, R3, R4, R0, VR, VB, B1, B2, B3, CI, LI and GI Districts, provided that:

A. The facility must be located on County-owned property and operated by the Harford County Department of Public Works.

B. The facility is for the sole purpose of collecting yard waste, as defined by the solid waste management plan, and other recyclable materials.

C. A 150 FOOT BUFFER [Type "E" buffer, pursuant to § 267-30 (Buffer yards),] shall be provided next to any adjacent residential lot and along any public road. ANCILLARY USES MAY BE ALLOWED WITHIN THE BUFFER INCLUDING ACCESS ROADS; STORMWATER MANAGEMENT; UTILITIES; WETLAND MITIGATION AND REFORESTATION; SITE SECURITY MEASURES; AND ~~LANDSCAPED SCREENING.~~ LANDSCAPING.

D. LIGHTING SHALL BE DESIGNED AND CONTROLLED SO THAT ANY LIGHT SHALL BE SHADED, SHIELDED OR DIRECTED SO THAT THE LIGHT INTENSITY OR BRIGHTNESS DOES NOT ADVERSELY AFFECT THE OPERATION OF VEHICLES OR REFLECT INTO RESIDENTIAL LOTS OR BUILDINGS.

E. OUTSIDE STORAGE OF MATERIALS OR EQUIPMENT SHALL BE ~~FULLY SCREENED~~ COMPLETELY BUFFERED FROM VIEW OF ADJOINING RESIDENTIAL PROPERTIES AND PUBLIC ROADS.

~~Section 2. — And Be It Further Enacted, that this Act shall take effect 60 calendar days from the date it becomes law.~~

Bill No. 11-62
As Amended

- 1 Section 2. And Be It Further Enacted, that this Act is declared to be an Emergency Act,
2 necessary to establish adequate standards for the siting of solid waste facilities in order to ensure
3 the public's health, safety and welfare, and shall take effect on the date it becomes law.
4 EFFECTIVE: January 13, 2012

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

Council Administrator

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As Amended

HARFORD COUNTY BILL NO. 11-62 As Amended

Brief Title Requirements for Solid Waste Facilities

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Pamela Meister
Council Administrator

Date January 10, 2012

ENROLLED

Billy Rowles
Council President

Date January 10, 2012

BY THE COUNCIL

Read the third time.

Passed: LSD 12-3

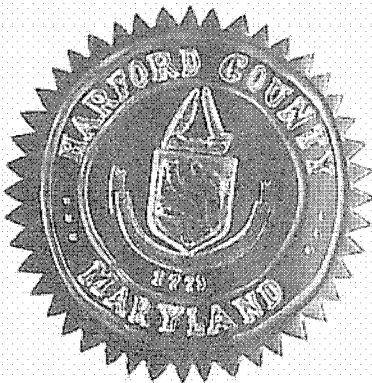
Failed of Passage: _____

By Order

Pamela Meister
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 11th day of January, 2012 at 3:00 p.m.

Pamela Meister
Council Administrator



BY THE EXECUTIVE

David H. Craig
COUNTY EXECUTIVE

APPROVED: Date January 13, 2012

BY THE COUNCIL

This Bill No. 11- 62 As Amended having been approved by the Executive and returned to the Council, becomes law on January 13, 2012.

EFFECTIVE DATE: January 13, 2012

Pamela Meister
Pamela Meister
Council Administrator

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